

## ***ISSUES PENDING BEFORE THE CALIFORNIA SUPREME COURT IN CRIMINAL CASES***

*[These case summaries are made available to inform the public of the general subject matter in cases that the Supreme Court has accepted for review. The statement of the issue or issues in each case set out below does not necessarily reflect the views of the court, or define the specific issues that will be addressed by the court. This compilation is current as of Friday, December 15, 2017.]*

*People v. Adelmann*, S237602. (E064099; 2 Cal.App.5th 1188; Riverside County Superior Court; SWF1208202.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence. This case presents the following issue: If a case is transferred from one county to another for purposes of probation (Pen. Code, § 1203.9), must a Proposition 47 petition to recall sentence be filed in the court that entered the judgment of conviction or in the superior court of the receiving county?

*People v. Aranda*, S214116. (E056708; 219 Cal.App.4th 764; Riverside County Superior Court; RIF154701.) Petition for review after the Court of Appeal affirmed an order dismissing one count and remanding for further proceedings. This case presents the following issue: Did the Court of Appeal err by holding that double jeopardy prevents retrial of defendant for first degree murder where the jury did not return a verdict on that offense and deadlocked on the lesser included offenses of second degree murder and voluntary manslaughter, because the trial court failed to afford the jury an opportunity to return a partial acquittal on the charge of first degree murder? (See *Blueford v. Arkansas* (2012) 566 U.S. \_\_ [132 S.Ct. 2044]; *Stone v. Superior Court* (1982) 31 Cal.3d 503.)

*People v. Arredondo*, S233582. (H040980; 245 Cal.App.4th 186, mod. 245 Cal.App.4th 777d; Santa Clara County Superior Court; C1363765, C1365187.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Did law enforcement violate the Fourth Amendment by taking a warrantless blood sample from defendant while he was unconscious, or was the search and seizure valid because defendant expressly consented to chemical testing when he applied for a driver's license (see Veh. Code, § 13384) or because defendant was "deemed to have given his consent" under California's implied consent law (Veh. Code, § 23612)? (2) Did the People forfeit their claim that defendant expressly consented? (3) If the warrantless blood sample was unreasonable, does the good faith exception to the exclusionary rule apply because law enforcement reasonably relied on Vehicle Code section 23612 in securing the sample?

*People v. Arredondo*, S244166. (E064206; 13 Cal.App.5th 950; Riverside County Superior Court; RIF1310007, RIF1403693.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Was defendant's right of confrontation violated when he was unable to see witnesses as they testified because the trial court allowed a computer monitor on the witness stand to be raised by several inches to allow them to testify without seeing him when they testified in his presence?

*Association for Los Angeles Deputy Sheriffs v. Superior Court*, S243855. (B280676; 13 Cal.App.5th 413; Los Angeles County Superior Court; BS166063.) Petition for review after the Court of Appeal granted in part and denied in part a petition for writ of peremptory mandate. The court directed the parties to brief the following issue: When a law enforcement agency creates an internal *Brady* list (see Gov. Code, § 3305.5), and a peace officer on that list is a potential witness in a pending criminal prosecution, may the agency disclose to the prosecution (a) the name and identifying number of the officer and (b) that the officer may have relevant exonerating or impeaching material in his or her confidential personnel file, or can such disclosure be made only by court order on a properly filed *Pitchess* motion? (See *Brady v. Maryland* (1963) 373 U.S. 83; *People v. Superior Court (Johnson)* (2015) 61 Cal.4th 696; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531; Pen. Code, §§ 832.7-832.8; Evid. Code, §§ 1043-1045.)

*Avitia v. Superior Court*, S242030. (C082859; nonpublished opinion; San Joaquin County Superior Court; STKCRFE2016881, GJ20164112415.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Was defendant denied a "substantial right" (*People v. Standish* (2006) 38 Cal.4th 858, 882) by the prosecutor's improper dismissal of a grand juror?

*In re B.M.*, S242153. (B277076; 10 Cal.App.5th 1292; Ventura County Superior Court; 2016025026.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding. The court limited review to the following issue: Can a butter knife with a rounded end and a serrated edge qualify as a deadly or dangerous weapon under Penal Code section 245, subdivision (a)(1)?

*In re Butler*, S237014. (A139411; nonpublished order; Alameda County Superior Court; 91694B.) Petition for review after the Court of Appeal denied a motion to modify an order implementing a settlement agreement. This case presents the following issue: Should the Board of Parole Hearings be relieved of its obligations arising from a 2013 settlement to continue calculating base terms for life prisoners and to promulgate regulations for doing so in light of the 2016 statutory reforms to the parole suitability and release date scheme for life prisoners, which now mandate release on parole upon a finding of parole suitability?

*People v. Buycks*, S231765. (B262023; 241 Cal.App.4th 519, 241 Cal.App.4th 1168e; Los Angeles County Superior Court; 097755.) Review on the court's own motion after the Court of Appeal reversed in part and affirmed in part a judgment of conviction of criminal offenses. The court limited review to the following issue: Was defendant eligible for resentencing on the penalty enhancement for committing a new felony while released on bail on a felony drug offense even though the superior court had reclassified the conviction for the drug offense as a misdemeanor under the provisions of Proposition 47?

*People v. Buza*, S223698. (A125542; 231 Cal.App.4th 1446; San Francisco County Superior Court; 207818.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: Does the compulsory collection of a biological sample from all adult felony arrestees for purposes of DNA testing (Pen. Code, §§ 296, subd. (a)(2)(C); 296.1, subd. (a)(1)(A)) violate the Fourth Amendment to the United States Constitution or article I, section 13, of the California Constitution?

*In re C.B.*, S237801. (A146277; 2 Cal.App.5th 1112; Contra Costa County Superior Court; J1301073.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence. This case presents the following issue: Did the trial court err by refusing to order the expungement of a juvenile's DNA record after his qualifying felony conviction was reduced to a misdemeanor under Proposition 47 (Pen. Code § 1170.18)?

*In re C.H.*, S237762. (A146120; 2 Cal.App.5th 1139; Contra Costa County Superior Court; J1100679.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence. This case presents the following issues: Did the trial court err by refusing to order the expungement of juvenile's DNA record after his qualifying felony conviction was reduced to a misdemeanor under Proposition 47 (Pen. Code § 1170.18)? Does the retention of juvenile's DNA sample violate equal protection because a person who committed the same offense after Proposition 47 was enacted would be under no obligation to provide a DNA sample?

*People v. Calavano*, S242474. (H042950; nonpublished opinion; Santa Clara County Superior Court; C1496622.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Did the trial court abuse its discretion by ordering defendant to pay restitution to cover the cost of the victim's increased residential security measures, although defendant was not convicted of committing a violent felony? (See Pen. Code, § 1202.4(f)(3)(J).)

*People v. Canizales*, S221958. (E054056; 229 Cal.App.4th 820; San Bernardino County Superior Court; FVA1001265.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. This case presents the following issue: Was the jury properly instructed on the "kill zone" theory of attempted murder?

*Caretto v. Superior Court*, S235419. (B265256; nonpublished opinion; Los Angeles County Superior Court; BA384603.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: What is the value of an unused stolen debit card for the purpose of distinguishing between misdemeanor and felony receiving stolen property in violation of Penal Code section 496, subdivision (a)?

*People v. Cervantes*, S241323. (A140464; 9 Cal.App.5th 569, mod. 10 Cal.App.5th 749a; Solano County Superior Court; FCR281334.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the following issue: Are juvenile offenders convicted in adult court before the effective date of Proposition 57 entitled to a fitness hearing in juvenile court before sentencing? (See also *People v. Superior Court (Lara)*, S241231.)

*People v. Chatman*, S237374. (A144196; 2 Cal.App.5th 561; Alameda County Superior Court; C140542.) Petition for review after the Court of Appeal reversed an order denying a petition for a certificate of rehabilitation. This case presents the following issue: Does Penal Code section 4852.01 deny equal protection by making a former felony probationer, who was subsequently incarcerated on a new offense, ineligible for a certificate of rehabilitation, because a former felony prisoner, who was subsequently incarcerated on a new offense, is not ineligible?

*People v. Chavez*, S238929. (C074138; 5 Cal.App.5th 110; Yolo County Superior Court; CRF042140.) Petition for review after the Court of Appeal affirmed a post-conviction order in a criminal case. The court limited review to the following issues: (1) Does Penal Code section 1203.4 eliminate a trial court's discretion under Penal Code section 1385 to dismiss a matter in the interests of justice? (2) Do trial courts have authority to grant relief under Penal Code section 1385 after sentence has been imposed, judgment has been rendered, and any probation has been completed?

*People v. Colbert*, S238954. (H042499; 5 Cal.App.5th 385; Santa Clara County Superior Court; 206805.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. This case presents the following issue: Did defendant's entry into separate office areas of a commercial establishment that were off-limits to the general public constitute an "exit" from the "commercial" part of the establishment that precluded reducing his conviction for second degree burglary to misdemeanor shoplifting under Penal Code section 459.5?

*People v. Conteras*, S224564. (D063428; nonpublished opinion; San Diego County Superior Court; SCD236438.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing on the following issue: Is a total sentence of 50 years to life or 58 years to life the functional equivalent of life without the possibility of parole for juvenile offenders?

*In re Cook*, S240153. (G050907; 7 Cal.App.5th 393; San Bernardino County Superior Court; WHCSS1400290.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. This case presents the following issue: Does habeas corpus jurisdiction exist for a petitioner seeking a post-sentencing hearing to make a record of “mitigating evidence tied to his youth” (*People v. Franklin* (2016) 63 Cal.4th 261, 276) after the conviction is final?

*People v. DeHoyos*, S228230. (D065961; 238 Cal.App.4th 363; San Diego County Superior Court; SCD252670.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Does the Safe Neighborhood and Schools Act [Proposition 47] (Gen. Elec. (Nov. 4, 2014)), which made specified crimes misdemeanors rather than felonies, apply retroactively to a defendant who was sentenced before the Act’s effective date but whose judgment was not final until after that date? What is the significance, if any, of the decision in *People v. Conley* (2016) 63 Cal.4th 646 on the issues in this case?

*Facebook, Inc. v. Superior Court*, S230051. (A144315; 240 Cal.App.4th 203; San Francisco County Superior Court; 13035657.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issues: (1) Did the Court of Appeal properly conclude that defendants are not entitled to *pretrial* access to records in the possession of Facebook, Instagram, and Twitter under the federal Stored Communications Act (18 U.S.C. § 2701, et seq.) and *People v. Hammon* (1997) 15 Cal.4th 117? (2) Does an order barring pretrial access to the requested records violate defendants’ right to compulsory process and confrontation under the Sixth Amendment or their due process right to a fair trial? (3) Should this court limit or overrule *People v. Hammon* (1997) 15 Cal.4th 117?

*People v. Farwell*, S231009. (B257775; 241 Cal.App.4th 1313; Los Angeles County Superior Court; TA130219.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Does the “totality of the circumstances” test apply in determining whether a defendant knowingly and voluntarily waived his constitutional rights before stipulating to an offense, if the record indicates that the trial court did not advise the defendant or obtain his waiver of rights at the time of the stipulation? (2) Under this test, are references to a defendant’s constitutional rights during earlier stages of the proceedings and the defendant’s criminal history sufficient to support the conclusion that the defendant knowingly and voluntarily waived those rights when entering into to the stipulation?

*People v. Franco*, S233973. (B260447; 245 Cal.App.4th 679; Los Angeles County Superior Court; VA125859.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: For the purpose of the distinction between felony and misdemeanor forgery, is the value of an uncashed forged check the face value (or stated value) of the check or only the intrinsic value of the paper it is printed on?

*People v. Frierson*, S236728. (B260774; 1 Cal.App.5th 788; Los Angeles County Superior Court; GA043389.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court limited review to the following issue: What is the standard of proof for a finding of ineligibility for resentencing under Proposition 36? (See *People v. Arevalo* (2016) 244 Cal.App.4th 836; cf. *People v. Osuna* (2014) 225 Cal.App.4th 1020.)

*People v. Gallardo*, S231260. (B257357; nonpublished opinion; Los Angeles County Superior Court; VA126705.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court limited review to the following issue: Was the trial court's decision that defendant's prior conviction constituted a strike incompatible with *Descamps v. U.S.* (2013) 570 U.S. \_\_ (133 S.Ct. 2276) because the trial court relied on judicial fact-finding beyond the elements of the actual prior conviction?

*People v. Gonzales*, S240044. (C078960; 6 Cal.App.5th 1067; Sacramento County Superior Court; 03F07705.) Review ordered on the court's own motion after the Court of Appeal reversed an order denying a petition to recall sentence. The court limited review to the following issue: What relationship, if any, must exist between convictions for forgery and identity theft in order to exclude a forgery conviction from sentencing as a misdemeanor under Penal Code section 473, subdivision (b)? (See also *People v. Guerrero*, S238401.)

*People v. Gonzalez*, S234377. (B255375; 246 Cal.App.4th 1358; Los Angeles County Superior Court; YA076269.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court limited review to the following issue: Was the trial court's failure to instruct on murder with malice aforethought, lesser included offenses of murder with malice aforethought, and defenses to murder with malice aforethought rendered harmless by the jury's finding of a felony murder special circumstance?

*People v. Guerrero*, S238401. (H041900; nonpublished opinion; Santa Clara County Superior Court; C1476320.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: What relationship, if any, must exist between convictions for forgery and identity theft in order to exclude a forgery conviction from sentencing as a misdemeanor under Penal Code section 473, subdivision (b)? (See also *People v. Gonzales*, S240044.)

*In re Guiomar*, S238888. (H043114; 5 Cal.App.5th 265; Monterey County Superior Court; HC8598.) Petition for review after the Court of Appeal modified sentence and otherwise denied a petition for writ of habeas corpus. This case presents the following issue: Was defendant eligible for resentencing on the penalty enhancement for failure to appear after being released on bail on a felony charge that was later reduced to a misdemeanor?

*People v. Guzman*, S242244. (B265937; 11 Cal.App.5th 184; Los Angeles County Superior Court; BA420611.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Does the “Right to Truth-in-Evidence” provision of the California Constitution (art. I, § 28, subd. (f)(2)) abrogate Penal Code section 632, subdivision (d), which otherwise mandates the exclusion of recorded confidential communications from evidence in criminal proceedings?

*In re H.W.*, S237415. (C079926; 2 Cal.App.5th 937; Sacramento County Superior Court; JV137101.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceedings. This case presents the following issue: Did the Court of Appeal err in holding that a pair of pliers, which the defendant used to remove an anti-theft device from a pair of blue jeans in a department store, qualified as a burglary tool within the meaning of Penal Code section 466?

*People v. Hicks*, S232218. (B259665; 243 Cal.App.4th 343; Los Angeles County Superior Court; MA058121.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Did the trial court err when it refused to inform the jury at the retrial of a murder charge that defendant had been convicted of gross vehicular manslaughter in the first trial? (Compare *People v. Batchelor* (2014) 229 Cal.App.4th 1102.)

*In re J.G.*, S240397. (C077056; 7 Cal.App.5th 955; Shasta County Superior Court; JDSQ122933901.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding. This case includes the following issues: (1) Did the juvenile court have the authority to convert a restitution order to a civil judgment at the completion of deferred entry of judgment? (2) Did the juvenile court err by ruling that restitution could be paid from federally-protected Social Security benefits?

*People v. Lopez*, S238627. (C078537; 4 Cal.App.5th 815; Yolo County Superior Court; CRF143400.) Petition for review after the Court of Appeal reversed an order of dismissal of a criminal proceeding. This case presents the following issue: Does *Arizona v. Gant* (2009) 556 U.S. 332 permit a peace officer to search the interior of a suspect’s vehicle for identification if the suspect fails to provide it upon request? (See *In re Arturo D.* (2002) 27 Cal.4th 60.)

*People v. Lowe*, S215727. (D059007; 221 Cal.App.4th 1276; Riverside County Superior Court; RIF132717.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Does Penal Code section 296, which permits the collection of DNA from certain felony arrestees, violate the Fourth Amendment under the analysis of *Maryland v. King* (2013) \_\_ U.S. \_\_ [133 S.Ct. 1958]?

*People v. Maita*, S230957. (C074872; nonpublished opinion; El Dorado County Superior Court; P12CRF0509, P13CRF0072.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court limited review to the following issue: In light of an amendment to Health and Safety Code section 11379 defining “transports” as transportation for sale (Stats. 2013, ch. 504, § 2), was defendant’s sentence improperly enhanced with a prior conviction for transporting a controlled substance?

*People v. Martinez*, S231826. (E063107; nonpublished opinion; Riverside County Superior Court; RIF136990.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a petition to recall sentence. This case presents the following issue: Could defendant use a petition for recall of sentence under Penal Code section 1170.18 to request the trial court to reduce his prior felony conviction for transportation of a controlled substance to a misdemeanor in light of the amendment to Health and Safety Code section 11379?

*People v. Mateo*, S232674. (B258333; nonpublished opinion; Los Angeles County Superior Court; BA414092.) Petition for review after the Court of Appeal affirmed judgments of conviction of a criminal offense. This case presents the following issue: In order to convict an aider and abettor of attempted willful, deliberate and premeditated murder under the natural and probable consequences doctrine, must a premeditated attempt to murder have been a natural and probable consequence of the target offense? In other words, should *People v. FAVOR* (2012) 54 Cal.4th 868 be reconsidered in light of *Alleyne v. United States* (2013) \_\_\_ U.S. \_\_\_ [133 S.Ct. 2151] and *People v. Chiu* (2014) 59 Cal.4th 155?

*People v. Mendoza*, S238032. (B259259; nonpublished opinion; Los Angeles County Superior Court; BA396381.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Did *Montgomery v. Louisiana* (2016) 577 U.S. \_\_\_, 136 S.Ct. 718, 193 L.Ed.2d 599, clarify that *Miller v. Alabama* (2012) 567 U.S. \_\_\_, 132 S.Ct. 2455, 183 L.Ed.2d 407, created a presumption against a sentence of life imprisonment without possibility of parole for juvenile offenders and requires trial courts to determine that a juvenile offender is one of “those rare children whose crimes reflect irreparable corruption” (*Montgomery*, 577 U.S. at p. \_\_\_ [136 S.Ct. at p. 734]) before imposing such a sentence? Or is it sufficient, for purposes of compliance with *Montgomery and Miller*, that a trial court take into consideration the offender’s youth and attendant circumstances in exercising its sentencing discretion under Penal Code section 190.5, subdivision (b)? What bearing, if any, does SB 394, signed into law on October 11, 2017, have on this court’s examination of the question presented for review in this case? (See also *People v. Padilla*, S239454.)



*People v. Mendoza*, S241647. (H039705; 10 Cal.App.5th 327; Santa Clara County Superior Court; 212506, C1114503.) Petition for review after the Court of Appeal affirmed judgments of conviction of a criminal offense. The court limited review to the following issue: Are the provisions of Proposition 57 that eliminated the direct filing of certain juvenile cases in adult court applicable to cases not yet final on appeal?

*People v. Padilla*, S239454. (B265614; 4 Cal.App.5th 656; Los Angeles County Superior Court; TA051184.) Review ordered on the court's own motion after the Court of Appeal reversed a judgment of conviction of a criminal offense and remanded for resentencing. The court limited review to the following issue: Did *Montgomery v. Louisiana* (2016) 577 U.S. \_\_\_, 136 S.Ct. 718, 193 L.Ed.2d 599, clarify that *Miller v. Alabama* (2012) 567 U.S. \_\_\_, 132 S.Ct. 2455, 183 L.Ed.2d 407, bans a sentence of life without the possibility of parole on a specific class of juvenile offenders whose crimes reflect the transient immaturity of youth, thereby requiring that trial courts determine that the crime reflects "irreparable corruption resulting in permanent incorrigibility" before imposing life without parole, or does a trial court comply with the constitutional mandates of *Miller* by giving due consideration to the offender's youth and attendant circumstances in exercising its sentencing discretion under Penal Code section 190.5, subdivision (b)? What bearing, if any, does SB 394, signed into law on October 11, 2017, have on this court's examination of the question presented for review in this case? (See also *People v. Mendoza*, S238032.)

*People v. Perez*, S238354. (F069020; 3 Cal.App.5th 812; Fresno County Superior Court; CF94509578.) Petition for review after the Court of Appeal reversed an order denying a petition to recall sentence. This case presents the following issue: Did the Court of Appeal err when it failed to defer to the trial court's factual finding that defendant did not use a deadly weapon during his previous assault and was therefore eligible for resentencing under the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.126)?

*In re Ricardo P.*, S230923. (A144149; 241 Cal.App.4th 676; Alameda County Superior Court; J14023676.) Petition for review after the Court of Appeal modified and affirmed orders in a juvenile wardship proceeding. This case presents the following issue: Did the trial court err by imposing an "electronics search condition" on the juvenile as a condition of his probation when that condition had no relationship to the crimes he committed but was justified on appeal as reasonably related to future criminality under *People v. Olguin* (2008) 45 Cal.4th 375 because it would facilitate the juvenile's supervision?

*Robinson v. Lewis*, S228137. (9th Cir. No. 14-15125; 795 F.3d 926; Eastern District of California; 2:13-cv-00604-WBS-AC.) Request under California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented, as restated by the court, is: “When a California court denies a claim in a petition for writ of habeas corpus, and the petitioner subsequently files the same or a similar claim in a petition for writ of habeas corpus directed to the original jurisdiction of a higher court, what is the significance, if any, of the period of time between the earlier petition’s denial and the subsequent petition’s filing (66 days in this case) for the purpose of determining the subsequent claim’s timeliness under California law?”

*People v. Rodas*, S237379. (B255598; nonpublished opinion; Los Angeles County Superior Court; BA360125.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Did the trial court violate defendant’s right to due process by failing to suspend proceedings after his attorney declared a doubt as to his competence?

*People v. Rodriguez*, S239713. (F065807; nonpublished opinion; Stanislaus County Superior Court; 1085319, 1085636.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Was the accomplice testimony in this case sufficiently corroborated? (See *People v. Romero & Self* (2015) 62 Cal.4th 1, 36.) (2) Is defendant’s constitutional challenge to his 50 years to life sentence moot when, unlike in *People v. Franklin* (2016) 63 Cal.4th 261, his case was not remanded to the trial court to determine if he was provided an adequate opportunity to make a record of information that will be relevant to the Board of Parole Hearings as it fulfills its statutory obligations under Penal Code sections 3051 and 4801?

*People v. Ruiz*, S235556. (F068737; nonpublished opinion; F068737; VCF241607J.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: May a trial court properly impose a criminal laboratory analysis fee (Health & Saf. Code, § 11372.5, subd. (a)) and a drug program fee (Heath & Saf. Code, § 11372.7, subd. (a)) based on a defendant’s conviction for conspiracy to commit certain drug offenses?

*People v. Soto*, S236164. (H041615; 248 Cal.App.4th 884; Monterey County Superior Court; SSC120180.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Did the trial court err in instructing the jury? (2) If so, was the error prejudicial?

*People v. Superior Court (Lara)*, S241231. (E067296; 9 Cal.App.5th 753; Riverside County Superior Court; RIF1601012.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Are the provisions of Proposition 57 that eliminated the direct filing of certain juvenile cases in adult court applicable to cases already filed? (See also *People v. Cervantes*, S241323.)

*People v. Superior Court (Smith)*, S225562. (G050827; nonpublished opinion; Orange County Superior Court; M-9531.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court limited review to the following issues: (1) Is an expert retained by the prosecution in a proceeding under the Sexually Violent Predator Act entitled to review otherwise confidential treatment information under Welfare and Institutions Code section 5328? (2) Is the district attorney entitled to review medical and psychological treatment records or is access limited to confidential treatment information contained in an updated mental evaluation conducted under Welfare and Institutions Code section 6603, subdivision (c)(1)?

*People v. Valenzuela*, S232900. (D066907; 244 Cal.App.4th 692; San Diego County Superior Court; JCF32712.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Is defendant eligible for resentencing on the penalty enhancement for serving a prior prison term on a felony conviction after the superior court had reclassified the underlying felony as a misdemeanor under the provisions of Proposition 47?

*People v. Valenzuela*, S239122. (B269027; 5 Cal.App.5th 449; Ventura County Superior Court; 2013025724.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. This case presents the following issue: Does a conviction for active gang participation in violation of Penal Code section 186.22, subdivision (a), which requires that the defendant willfully promote, further, or assist in any *felonious* criminal conduct of the gang, remain valid when the underlying conduct in question was reduced from a felony to a misdemeanor pursuant to Proposition 47?